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PATENT  
Attorney Docket No. 101.0107-01000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 3402
Gary K. Michelson	)	
Serial No.: 10/719,424	)	Group Art Unit: 3733
Filed: November 21, 2003	)	Examiner: Pedro Philogene
For: EXPANDABLE INTERBODY SPINAL	)	
FUSION IMPLANT WITH EXPANSION	)	
CONSTRAINING MEMBER AND	)	
METHOD FOR USE THEREOF	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0107-01000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson, M.D.		Application Number 10/719,424		
(Use several sheets if necessary) Sheet 1 of 1		Filing Date November 21, 2003		Group Art Unit 3733		Examiner P. Philogene
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,489,308	2/1996	Kuslich et al.			
	6,436,140	8/2002	Liu et al.			
	6,436,142	8/2002	Paes et al.			
	6,440,168	8/2002	Cauthen			
	6,454,807	9/2002	Jackson			
	6,471,724	10/2002	Zdeblick et al.			
	6,613,091	9/2003	Zdeblick et al.			
	6,723,128	4/2004	Uk			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
EXAMINER		DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						